

IN THE DISTRICT COURT OF POTTAWATOMIE COUNTY
STATE OF OKLAHOMA

FILED
IN THE DISTRICT COURT
APR 19 2024

POTTAWATOMIE COUNTY, OK
VALERIE N. UELTZEN, COURT CLERK
BY _____ DEPUTY

JOSHUA MEDFORD, an individual, and)
GREENTECH INVESTMENTS, LLC,)
Plaintiffs,)
v.)
THE STATE OF OKLAHOMA EX REL.)
ALLAN GRUBB/ ADAM PANTER,)
DISTRICT ATTORNEY,)
IN AND FOR POTTAWATOMIE COUNTY,)
Defendant.)

Case No. **CJ-24-159**

PETITION

COME NOW, the Plaintiffs, Joshua Medford and Greentech Investments, LLC, for their Petition against the Defendant State of Oklahoma, and states as follows:

JURISDICTION AND VENUE

1. Plaintiff Joshua Medford is an individual and resident of the State of Tennessee.
2. Plaintiff Greentech Investments, LLC is a Limited Liability with its principal place of business located in Delaware.
3. The State of Oklahoma ex rel. Adam Panter, District Attorney for the Twenty-Third Judicial District, State of Oklahoma, is an Oklahoma state agency. The Twenty-Third Judicial District is comprised of Pottawatomie and Lincoln Counties in the state of Oklahoma. During a portion of the time period in question, Allan Grubb was the sitting District Attorney for the Twenty-Third Judicial District, State of Oklahoma. Allan Grubb resigned his position as District Attorney effective September 30, 2022. On October 20, 2022, Adam R. Panter was appointed to serve

as the acting District Attorney for the Twenty-Third Judicial District, State of Oklahoma. Panter continues to serve as the District Attorney for the Twenty-Third Judicial District, State of Oklahoma as of the filing of this Petition. District Attorney Grubb and District Attorney Panter were both duly appointed agents authorized to enforce the laws of the State of Oklahoma and acted under color of law at all times relevant to this Petition.

4. Jurisdiction and venue are proper in this Court.

FACTS

5. On or about June 25, 2021, the Special Operations Team of the District 23 District Attorney's Office, along with employees employed by the Pottawatomie County Commissioner's Office, entered and seized certain real property located at 18501 Coker Road in Shawnee, Oklahoma. The seizure formed the basis of Pottawatomie County case CV-2021-102.
6. At the time of the seizure, the real property in question was owned by Greentech Investments, LLC and leased to Marcus Burton. Joshua Medford is the Manager of Greentech Investments, LLC.
7. At the time of the seizure, the property was being used as a medical marijuana manufacturing facility and grow operation under Greentech Organics, LLC, Greentech Extracts, LLC, and Greentech Dispensary, LLC. The premise of the

seizure at 18501 Coker Road was a "crack down" on illegal marijuana grow operations.

8. Based on information and belief, the medical marijuana operations at 18501 Coker Road were licensed with the Oklahoma Bureau of Narcotics and the Oklahoma Medical Marijuana Authority until on or about October 31, 2020.
9. During the seizure of the real property located at 18501 Coker Road, several items of personal property belonging to the Plaintiffs were seized. This property formed the basis of Pottawatomie County case CV-2021-115. The property in question included \$ 8,734.00 in US Currency, a Sig Sauer 9mm handgun, a Ruger 9mm handgun, a Remington 1911 handgun, an Anderson AR-15, a Maverick 12 gauge shotgun, a RIA shotgun, an SKS rifle, forty-eight (48) Gavita SL2 1000e DE Grow Lights, ten (10) Quest 506 Humidifiers, an Air Pro shop fan, an Ultra Tech shop fan, seven (7) Schaefer Mounted Fans, six (6) Carbon Dioxide bottles, twenty-eight (28) boxed classic split air conditioners, a Dewalt 20v saw, numerous electrical fixtures, a Turf Tiger 61' Velocity Zero Turn Mower, a Craftsman 150psi Air Compressor, a Husqvarna chain saw, a Presidential camper, a Qwest camper, a Powerhouse 13000 watt portable generator, a Honda Black Max (red in color) portable generator, a Honda Black Max (black in color) portable generator, several boxes of assorted ammunition, and several associated rifle and shotgun magazines.
10. During the pendency of the forfeiture actions in Pottawatomie County cases CV-2021-102 and CV-2021-115, the real property located at 18501 Coker Road and the

personal property seized on June 25, 2021 (as listed above) were in the complete custody and control of the State of Oklahoma by and through District Attorney Allan Grubb and the District 23 District Attorney's Office. Plaintiffs were unable to access or view the real and/or personal property while in the custody and control of the District 23 District Attorney's Office.

11. Upon District Attorney Grubb's resignation on September 30, 2022, District Attorney Adam Panter was appointed to represent the State of Oklahoma by and through the District 23 District Attorney's Office.
12. On December 29, 2022, the Plaintiffs, by and through their attorney, Richard Smothermon, negotiated a settlement of the forfeiture actions with the District 23 District Attorney's Office.
13. The December 29, 2022, settlement agreement ordered the release of the real property at 18501 Coker Road and the seized personal property in exchange for \$ 30,000.00 in US currency to be forfeited to the State of Oklahoma.
14. In early January 2023, the Plaintiffs were able to enter the real property at 18501 Coker Road for the first time since its seizure on June 25, 2021. The property was

practically destroyed, with several buildings left unsecure by the District 23 District Attorney's Office, and open to the elements, wildlife, and vandalism.

15. Also in early January 2023, Plaintiffs attempted to negotiate the return of the released personal property as required by the signed order dated December 29, 2022.
16. To date, Plaintiffs have been unable to take possession of the personal property pursuant to the December 29, 2022, order.
17. After failing to secure the personal property from the State, Plaintiffs filed a Notice of Tort Claim pursuant to the Oklahoma Governmental Tort Claims Act found in 51 O.S. § 151 et seq. This notice was received by the Office of the Risk Management Administrator of the Office of Management and Enterprise Services on July 24, 2023.
18. On or about October 22, 2023, the claim was denied by operation of law due to the State's failure to respond.

FIRST CAUSE OF ACTION
REPLEVIN

19. Plaintiffs restate and incorporate the allegations as set forth in paragraphs 1 through 18 as if fully set forth herein.
20. Pursuant to 12 O.S. § 1580, Plaintiffs seek the return of the personal property listed in Paragraph 8 of this Petition and the December 29, 2022, Order under the theory of replevin.

21. In the event delivery cannot be had, Plaintiffs seek the value of the personal property and damages for the detention of said property in an amount exceeding \$ 75,000.00.
22. Plaintiffs assert they are entitled to their reasonable attorney fees and costs of this action pursuant to 12 O.S. § 1580.

ALTERNATIVE CAUSE OF ACTION
NEGLIGENCE

23. Plaintiffs restate and incorporate the allegations as set forth in paragraphs 1 through 22 as if fully set forth herein.
24. As the custodian of the real and personal property at issue following the June 25, 2021 seizure, Defendant owed a duty to Plaintiffs to maintain a true and accurate inventory and record of all such property seized pursuant to 63 O.S. § 2-503(G) and 63 O.S. § 2-506(K).
25. As the custodian of the real and personal property at issue following the June 25, 2021 seizure, Defendant owed a duty to Plaintiffs to hold such property as evidence until a forfeiture has been declared or a release ordered pursuant to 63 O.S. § 2-506.
26. As a direct and proximate result of Defendant's failure to maintain a true and accurate inventory and record of the seized property, Plaintiffs have suffered damages in excess of \$ 75,000.00.

27. As a direct and proximate result of Defendant's failure to hold and treat the seized property as evidence until a forfeiture had been declared or a release ordered, Plaintiffs have suffered damages in excess of \$ 75,000.00.
28. Plaintiffs assert they are entitled to their reasonable attorney fees and costs of this action pursuant to 12 O.S. § 940.

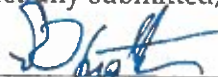
**ALTERNATIVE CAUSE OF ACTION
Violation of 42 U.S.C. § 1983**

29. Plaintiffs restate and incorporate the allegations as set forth in paragraphs 1 through 28 as if fully set forth herein.
30. As alleged above, Defendant State of Oklahoma, acting under color of law, had a duty pursuant to 63 O.S. §§ 2-503, 2-506 to maintain a true and accurate inventory and record of the seized property in this case and to hold such property as evidence until forfeiture was declared or a release ordered.
31. 42 U.S.C. § 1983 provides in relevant part "[e]very person who, under color of any statute, ordinance, regulation, custom, usages, of any State or Territory...subjects, or causes to be subjected, any citizen of the United States...to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law...."
32. To the extent any of the personal property at issue cannot be located by Defendant, and the property that has been destroyed, Plaintiffs, as owners of said property, assert Defendant has subjected them to deprivations of their rights, privileges, and immunities secured by the Constitution.

33. As a direct and proximate cause of Defendant's actions, Plaintiffs have suffered damages in excess of \$ 75,000.00.

WHEREFORE, Plaintiffs pray for judgment in their favor and against the Defendant State of Oklahoma for actual damages in excess of \$75,000.00 together with interest, attorney fees and costs, and any further relief as this Court deems appropriate.

Respectfully submitted,



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JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

This is to certify that on the 19th day of April 2024, a true and correct copy of this Summons was mailed by certified mail to the following:

District Attorney Adam Panter
400 N. Broadway
Shawnee, OK 74801

Attorney General Gentner Drummond
313 N.E. 21st Street
Oklahoma City, OK 73105

Office of Management and Enterprise Services
Risk Management Department
P.O. Box 53364
Oklahoma City, OK 73152-3364



Richard L. Smothermon #14066